

1 Andrew H. Wilson SBN 063209
2 WILSON, RYAN & CAMPILONGO
3 235 Montgomery Street
4 Suite 450
5 San Francisco, California 94104
6 (415) 391-3900 - (415) 954-0938

7 Laurie J. Bartilson
8 BOWLES & MOXON
9 6255 Sunset Boulevard, Suite 2000
10 Hollywood, CA 90028
11 (213) 953-3360 - (213) 953-3351

12 Attorneys for Plaintiff and
13 Cross-defendant CHURCH OF
14 SCIENTOLOGY INTERNATIONAL

RECEIVED

MAY 21 1994

HUB LAW OFFICES

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY)
18 INTERNATIONAL, a California not-)
19 for-profit religious corporation;)

20 Plaintiffs,)

21 vs.)

22 GERALD ARMSTRONG; MICHAEL WALTON;)
23 et al.,)

24 Defendants.)

25 _____)
26 GERALD ARMSTRONG,)

27 Cross-Complainant,)

28 vs.)

THE CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
Corporation; DAVID MISCAVIGE;)
DOES 1 to 100;)

Cross-Defendants.)
_____)

CASE NO. 157 680

NOTICE OF MOTION AND
MOTION TO STRIKE PORTIONS
OF GERALD ARMSTRONG'S
SECOND AMENDED VERIFIED
CROSS-COMPLAINT FOR ABUSE
OF PROCESS

DATE: June 10, 1994

TIME: 9:00 a.m.

DEPT: 1

DISCOVERY CUT-OFF: None

MOTION CUT-OFF: None

TRIAL DATE: None

TO CROSS-COMPLAINANT GERALD ARMSTRONG, DEFENDANTS AND THEIR
ATTORNEYS OF RECORD:

1 PLEASE TAKE NOTICE that on June 10, 1994, at 9:00 a.m. or as
2 soon thereafter as the matter may be heard in Department 1 of the
3 above-entitled Court, located at 3501 Civic Center Drive, San
4 Rafael, California, 94103-4177, plaintiff and cross-defendant
5 Church of Scientology International ("the Church"), will and
6 hereby does move this Court for an order striking portions of
7 Armstrong's amended Cross-Complaint, pursuant to C.C.P. §§ 436,
8 431.10 and §425.14, on the grounds that the portions of the
9 amended Cross-Complaint listed are irrelevant, false and/or
10 improper because they are: (a) statements of evidentiary facts
11 rather than ultimate facts; (b) unnecessarily scandalous and
12 inflammatory; (c) interjected to create prejudice rather than to
13 allege claims of this cross-complainant against this cross-
14 defendant; and (d) have already been deemed by this Court not to
15 constitute a claim for abuse of process. Accordingly, the Church
16 moves that paragraphs nine (9) through fifty-nine (59) of the
17 second amended verified cross-complaint be stricken in their
18 entirety.

19 This Motion is made pursuant to this Notice of Motion and
20 Motion, the Memorandum of Points and Authorities, filed and served
21 concurrently herewith, any supplemental points and authorities
22 filed by these defendants, the pleadings and record on file

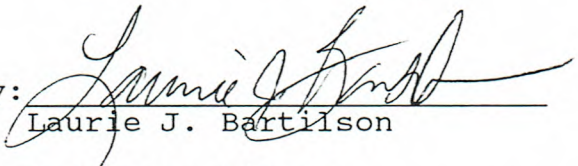
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1 herein, and upon such other and further evidence as may properly
2 come before the Court.

3 DATED: May 20, 1994

Respectfully submitted,

4 BOWLES & MOXON

5
6 By: 
Laurie J. Bartilson

7
8 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

9 Attorneys for Plaintiff and
10 Cross-Defendant
11 CHURCH OF SCIENTOLOGY
12 INTERNATIONAL
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